IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

THURSDAY, THE TWENTY NINETH DAY OF JULY
TWO THOUSAND AND FOUR

PRESENT

THE HON'BLE MR JUSTICE V.ESWARAIAH

WRIT PETITION NO.6770 of 2004

Between:

B.Yellaiah, s/o B.Gangaiah,
r/o Venkatampet Village, Chandragiri Mandal,
Chittoor District.

..... PETITIONER

AND

1 State Bank of India, having its Local Head Office at Bank Street, Hyderabad rep., by its Chairman.
2 Assistant General Manager, Region-III, & Disciplinary Authority, State Bank of India, Zonal Office, Tirupathi.

.....RESPONDENTS

Petition under Article 226 of the Constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court will be pleased to issue a writ of mandamus or any other appropriate writ or writs, order or direction, declaring the proceedings dt.27-2-2004 in No.DPC/R-III/032 on the file of the 2nd respondent, as illegal, arbitrary, without jurisdiction and violative of principles of natural justice and award costs.

Counsel for the Petitioner:MR.K.RAGHUVEER REDDY

Counsel for the Respondents: MR.E.MADAN MOHAN RAO, Standing Counsel for S.B.I.

The Court made the following:

ORDER:

The petitioner questions the order of dismissal dismissing the petitioner from service after conducting necessary enquiry.

2. Admittedly, an appeal lies before the Appellate Authority against the said order passed by the 2nd respondent.

3. It is the case of the petitioner that he has earlier filed W.P.No.17753 of 2003 questioning the initiation of the departmental enquiry pending criminal case against him and in the said case, interim stay of departmental proceedings was granted on 26.08.2003 in W.P.M.P.No.22135 of 2003. Pursuant to the interim direction, the 2nd respondent stopped enquiry proceedings and filed counter and ultimately the said writ petition was dismissed on 11-02-2004 holding that no prejudice will be caused to the prosecution even if the departmental proceedings are initiated and completed. After dismissal of the writ petition, he has not filed any explanation to the show cause notice issued against the proposed punishment of dismissal and therefore the final orders are passed. As the learned counsel for the petitioner submits that he would like to avail alternative remedy by filing appeal before the appellate Authority, I am not inclined to express any opinion.

4. In view of the above, the writ petition is dismissed with a liberty to the petitioner to file appeal against the order of the 2nd respondent before the appellate Authority within one month from the date of receipt of a copy of this order.

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V.ESWARAIAH, J.

29th July, 2004.

Chvn/BSS.

To

1. The Chairman, State Bank of India,Local Head Office Bank Street, Hyderabad.

2 Assistant General Manager, Region-III, & Disciplinary Authority, State Bank of India, Zonal Office, Tirupathi.

3. Two C.D.copies.